


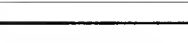



INFO

ER 1232/1 - 85

Office of Legislative Liaison**Routing Slip**

TO:	ACTION	INFO
1. D/OLL		X
2. DD/OLL		X
3. Admin Officer		
4. Liaison		X
5. Legislation		X
6. 		X
7. 		X
8. 		X
9. 		X
10. 		
SUSPENSE _____ Date		

Action Officer:
Remarks: OLL Registry has copy of the entire report.

BC / 21 Oct 1985
Name/Date

EXECUTIVE SECRETARIAT
ROUTING SLIP

TO:		ACTION	INFO	DATE	INITIAL
1	DCI				
2	DDCI				
3	EXDIR				
4	D/ICS				
5	DDI				
6	DDA		X (w/att)		
7	DDO				
8	DDS&T				
9	Chm/NIC				
10	GC				
11	IG				
12	Compt				
13	D/OLL		X (w/att)		
14	D/PAO				
15	VC/NIC				
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SUSPENSE		Date			

Remarks

STAT

Executive Secretary

18 Oct 85

Date

3637 (10-81)

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Executive Registry

85-1232/1

BY THE U.S. GENERAL ACCOUNTING OFFICE

**Report To The Chairman, Subcommittee On
Legislation And National Security,
Committee On Government Operations
House of Representatives**

**Use Of Government Motor Vehicles For The
Transportation Of Government Officials And
The Relatives Of Government Officials**

GAO asked federal agencies for information on the use of government motor vehicles, during the period January to June 1985, to transport (1) officials between their residences and their places of employment, and (2) relatives of officials between various locations.

Of the 128 officials GAO was told were provided transportation between their residences and places of employment, GAO believes that 79 received unauthorized transportation. Of the 17 relatives of officials GAO was told were provided transportation between various locations, GAO believes that 7 received unauthorized transportation. Five received transportation that sometimes was unauthorized.



GAO/GGD-85-76
SEPTEMBER 16, 1985

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UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

**GENERAL GOVERNMENT
DIVISION**

B-210555

The Honorable Jack Brooks
Chairman, Subcommittee on
Legislation and National
Security
Committee on Government Operations
House of Representatives

Dear Mr. Chairman:

Your April 2, 1985, letter asked us to determine the use of government motor vehicles to transport government officials between their residences and their places of employment. Subsequently, your office asked us to also review the use of government vehicles to transport relatives of government officials between any locations, while either accompanied or not accompanied by the government officials. Further, we were asked to limit our review to transportation provided to officials and their relatives within the continental United States since January 1, 1985, and to report whether, in our opinion, the officials and relatives of officials were authorized to receive the transportation they were provided.

As agreed with your office, we developed information on the use of government vehicles by federal officials and their relatives by requesting information from the Executive Office of the President, the 13 cabinet-level departments, the departments' 178 subordinate organizations, and 60 independent executive branch offices, boards, commissions, agencies, etc. Of the total number of executive branch activities from whom we requested information, all but the Executive Office of the President responded concerning the use of government motor vehicles by their officials and relatives of officials. We examined records and otherwise verified only the information received from the Commodity Futures Trading Commission, the General Services Administration, and the Office of Personnel Management.

The agencies' responses indicated that 128 officials were provided transportation between their residences and their places of employment. In addition, on some occasions, 17 relatives of officials were provided transportation between various locations. Details on the 128 officials and the 17 relatives are contained in the schedules included as appendices I and II.

B-210555

The basic authority for the use of government motor vehicles to provide transportation for an official purpose is contained in 31 U.S.C. 1344. It states:

"(a) Except as specifically provided by law, an appropriation may be expended to maintain, operate, and repair passenger motor vehicles or aircraft of the United States Government that are used only for an official purpose. An official purpose does not include transporting officers or employees of the Government between their domiciles and places of employment except--

(1) medical officers on out-patient medical service; and

(2) officers or employees performing field work requiring transportation between their domiciles and places of employment when the transportation is approved by the head of the agency.

(b) This section does not apply to a motor vehicle or aircraft for the official use of--

(1) the President;

(2) the heads of executive departments listed in section 101 of title 5; or

(3) principal diplomatic and consular officials."

In addition, there are other authorizations applicable to the use of government motor vehicles related to specific agencies or specific agency officials. The authority for transportation of officials and relatives of officials, as cited in the agencies' responses, is shown in the schedules in appendix II.

On the basis of our review of the information contained in the responses from the government agencies, departments, and subordinate organizations, we believe that 79 officials have received transportation in government motor vehicles between their residences and places of employment that they were not authorized to receive. This represents about 62 percent of the officials that were receiving transportation, according to the information we were provided. In addition, we believe that 7 of the 17 relatives receiving transportation in government motor vehicles were not authorized to receive it. Also, five

relatives received transportation in government motor vehicles that part of the time was authorized and part of the time was not authorized.

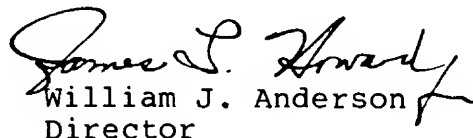
Schedules showing the agencies in which officials are receiving government transportation between their residences and places of employment, the number of such officials involved, the relatives of officials in these agencies receiving government transportation between various locations, and our opinion on whether such transportation was authorized are contained in the schedules included as appendices I and II.

The conclusions in appendix II regarding the authority, or lack of authority, for the cited transportation represent the preliminary views of our Office of General Counsel based on its review of the information provided by the agencies in response to our requests for information. Those conclusions should not be treated as formal decisions of the Comptroller General. Substantial further legal and factual review, including allowing each official the opportunity to provide any additional justification the official deems appropriate, would be necessary in each case before formal decisions could be made. As agreed with your office, we did not obtain comments from agency officials on our preliminary views.

As arranged with your office, unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days from the date of the report. At that time, we will send copies to interested parties and make copies available to others upon request.

We trust this information satisfies your request.

Sincerely yours,


William J. Anderson
Director

SUMMARY INFORMATION ON THE 128 OFFICIALS
AND 17 RELATIVES PROVIDED TRANSPORTATION
IN GOVERNMENT VEHICLES DURING THE PERIOD
JANUARY 1 TO JUNE 30, 1985

<u>Agency</u>	<u>Government officials provided transportation between home and place of work</u>			<u>Relatives of officials provided transportation between various locations</u>			
	<u>Number Provided Transportation</u>	<u>Authorized</u>	<u>Not Authorized</u>	<u>Number Provided Transportation</u>	<u>Authorized</u>	<u>Not Authorized</u>	<u>Partially Authorized/ Not Authorized</u>
Agency for Inter- national Develop- ment	1	1					
Department of Agriculture	1	1		1			1
Arms Control and Disarmament Agency	1	1					
Central Intelligence Agency	2	2					
Department of Commerce	1	1		1			1
Department of Defense	13	11	2	6	2	1	3
Department of Education	1	1		1	1		
Department of Energy	14	1	13				

SUMMARY INFORMATION ON THE 128 OFFICIALS
AND 17 RELATIVES PROVIDED TRANSPORTATION
IN GOVERNMENT VEHICLES DURING THE PERIOD
JANUARY 1 TO JUNE 30, 1985

Government officials provided transportation between home and place of work				Relatives of officials provided transportation between various locations			
<u>Agency</u>	<u>Number Provided Transportation</u>	<u>Authorized</u>	<u>Not Authorized</u>	<u>Number Provided Transportation</u>	<u>Authorized</u>	<u>Not Authorized</u>	<u>Partially Authorized/ Not Authorized</u>
Federal Deposit Insurance Corpo- ration	3	3					
Federal Emergency Management Agency	1		1				
Federal Reserve System	4	1	3	1		1	
General Services Administration	2		2				
Department of Health and Human Services	1	1					
Department of Housing and Urban Development	1	1					
U.S. Information Agency	2		2	1		1	
Department of the Interior	21	9	12	2	2		

SUMMARY INFORMATION ON THE 128 OFFICIALS
AND 17 RELATIVES PROVIDED TRANSPORTATION
IN GOVERNMENT VEHICLES DURING THE PERIOD
JANUARY 1 TO JUNE 30, 1985

<u>Agency</u>	<u>Government officials provided transportation between home and place of work</u>			<u>Relatives of officials provided transportation between various locations</u>			
	<u>Number Provided Transportation</u>	<u>Authorized</u>	<u>Not Authorized</u>	<u>Number Provided Transportation</u>	<u>Authorized</u>	<u>Not Authorized</u>	<u>Partially Authorized/ Not Authorized</u>
Department of Justice	3	3					
Department of Labor	1	1					
Nuclear Regulatory Commission	3	1	2				
Office of Management and Budget	2		2	1		1	
Office of Personnel Management	2		2				
Overseas Private Invest- ment Corporation	2	2					
Peace Corps	1		1				
Postal Service	3		3	1		1	

SUMMARY INFORMATION ON THE 128 OFFICIALS
AND 17 RELATIVES PROVIDED TRANSPORTATION
IN GOVERNMENT VEHICLES DURING THE PERIOD
JANUARY 1 TO JUNE 30, 1985

<u>Agency</u>	<u>Government officials provided transportation between home and place of work</u>			<u>Relatives of officials provided transportation between various locations</u>			
	<u>Number Provided Transportation</u>	<u>Authorized</u>	<u>Not Authorized</u>	<u>Number Provided Transportation</u>	<u>Authorized</u>	<u>Not Authorized</u>	<u>Partially Authorized/ Not Authorized</u>
Smithsonian Institution	1	1					
Department of State	4	3	1				
Tennessee Valley Authority	1		1				
Department of Transportation	16	2	14				
Department of Treasury	<u>20</u>	<u>2</u>	<u>18</u>	<u>2</u>	<u>—</u>	<u>2</u>	<u>—</u>
TOTAL	<u>128</u>	<u>49</u>	<u>79</u>	<u>17</u>	<u>5</u>	<u>7</u>	<u>5</u>

AGENCIES' AND GAO'S VIEWS ON THE AUTHORITIES
FOR THE 128 OFFICIALS AND THEIR RELATIVES PROVIDED
TRANSPORTATION DURING THE PERIOD JANUARY 1 TO JUNE 30, 1985

APPENDIX II

<u>Official/relative receiving transportation</u>	<u>Frequency</u>	<u>Authority/circumstances/remarks as taken directly from the agency response to GAO's questionnaire</u>	<u>GAO comments to agency's response</u>
AGENCY FOR INTERNATIONAL DEVELOPMENT			
Administrator	Daily	"22 U.S.C. Section 2396(a)(5)"	Authorized - statute cited.
AGRICULTURE, DEPARTMENT OF			
Secretary	Daily	"31 U.S.C. 638a(c)(2)" [now 31 U.S.C. § 1344 b]	Authorized - cabinet department head.
Wife of Secretary	Official functions	"On occasion, the wife of the Secretary represents the Secretary at official functions. To attend these functions she is provided with transportation" (The wife of the Secretary has on occasion been provided with transportation to attend official functions with the Secretary not in attendance.)	Partially authorized. Author- ized when accompanying or meet- cabinet member at official functions. Not authorized when attending official function alone. (note a) Spouses are not themselves considered re- presentatives of the United States.
ARMS CONTROL AND DISARMAMENT AGENCY			
Director	Daily	"Section 48 of Public Law 87-297, Arms Control and Disarmament Act" [as amended by Pub. Law No. 96-465, October 17, 1980]	Authorized by 22 U.S.C. § 2588.
CENTRAL INTELLIGENCE AGENCY			
Director	Daily	"Section 8 of the CIA Act of 1949, as amended (50 U.S.C. 403j)"	Authorized - statute cited.
Deputy Director	Daily	"Section 8 of the CIA Act of 1949, as amended (50 U.S.C. 403j)"	Authorized - statute cited.

APPENDIX II

AGENCIES' AND GAO'S VIEWS ON THE AUTHORITIES
FOR THE 128 OFFICIALS AND THEIR RELATIVES PROVIDED
TRANSPORTATION DURING THE PERIOD JANUARY 1 TO JUNE 30, 1985

<u>Official/relative receiving transportation</u>	<u>Frequency</u>	<u>Authority/circumstances/remarks as taken directly from the agency response to GAO's questionnaire</u>	<u>GAO comments to agency's response</u>
COMMERCE, DEPARTMENT OF			
Secretary	Daily	"31 U.S.C. 1344"	Authorized - cabinet department head.
Wife of Secretary	Very infrequently	"When the wife of the Secretary must meet the Secretary at an official function because it is not logistically possible for them to ride together or when the Secretary's wife is representing the Secretary, in his absence, at an official function." (The wife of the Secretary has on occasion been provided with transportation to attend official functions with the Secretary not in attendance.	Partially authorized. Authorized when meeting cabinet member at official function. Not authorized when attending official function alone. (note a) Spouses are not themselves considered representatives of the United States.
DEFENSE, DEPARTMENT OF			
Secretary	Daily	"31 U.S.C. 1344(b)(2)"	Authorized - cabinet department head
Wife of Secretary	As required for official activities	"As required for official representational activities or as dictated by security considerations." (The wife of the Secretary has on occasion been provided with transportation to attend official functions with the Secretary not in attendance.	Partially authorized. Authorized when meeting cabinet member at official function. Not authorized when attending function alone. (note a). Spouses are not themselves considered representatives of the United States. Transportation for security reasons not authorized without specific evidence of a (Continued on next page)

APPENDIX II

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AGENCIES' AND GAO'S VIEWS ON THE AUTHORITIES
FOR THE 128 OFFICIALS AND THEIR RELATIVES PROVIDED
TRANSPORTATION DURING THE PERIOD JANUARY 1 TO JUNE 30, 1985

<u>Official/relative receiving transportation</u>	<u>Frequency</u>	<u>Authority/circumstances/remarks as taken directly from the agency response to GAO's questionnaire</u>	<u>GAO comments to agency's response</u>
DEFENSE, DEPARTMENT OF (CONTINUED)			
Deputy Secretary	Daily	"31 U.S.C. 1344(b)(2) and 10 U.S.C. 2637"	"clear and present danger" and a showing that the use of a government vehicle would increase protection of the official passenger. (note b) Authorized - 10 U.S.C. § 2637.
Wife of Deputy Secretary	As required for official activities	"As required for official representational activities or as dictated by security considerations." (The wife of the Deputy Secretary has on occasion been provided with transportation to attend official functions with the Deputy Secretary not in attendance.)	Partially authorized. Authorized when meeting deputy secretary at official function. Not authorized when attending function alone. (note a) Spouses are not themselves considered representatives of the United States. Transportation for security reasons not authorized without specific evidence of a "clear and present danger" and showing that the use of a government vehicle would increase protection of the official passenger. (notes a, b)
Under Secretary of Defense for Policy	Daily	"31 U.S.C. 1344(b)(2) and 10 U.S.C. 2637"	Authorized - 10 U.S.C. 2637

AGENCIES' AND GAO'S VIEWS ON THE AUTHORITIES
FOR THE 128 OFFICIALS AND THEIR RELATIVES PROVIDED
TRANSPORTATION DURING THE PERIOD JANUARY 1 TO JUNE 30, 1985

<u>Official/relative receiving transportation</u>	<u>Frequency</u>	<u>Authority/circumstances/remarks as taken directly from the agency response to GAO's questionnaire</u>	<u>GAO comments to agency's response</u>
DEFENSE, DEPARTMENT OF (CONTINUED)			
Wife of Under Secretary of Defense for Policy	Official functions	"When attending official social functions with the Under Secretary, attendant to his official responsibilities. No independent use of transpor- tation." "31 U.S.C. 1344(b) (2) and 10 U.S.C. 2637"	Authorized. (note a) Spouses of official entitled to rou- tine transportation may be transported to meet that of- ficial at an official function.
General Counsel	Occasionally	"Occasionally receives transpor- tation in the evening from home to official functions and on occasion from home to the airport"	Not authorized. Transporta- tion from home to official functions not authorized (note f). Transportation from home-to-airport may be authorized if provided in accordance with Federal Travel Regulations. (note d)
Chairman, Joint Chiefs of Staff	Daily	"10 U.S.C. 2637 and DOD DIR. 4500.36 dated April 10, 1985"	Authorized - 10 U.S.C. 2637.
Chief of Staff, U.S. Air Force	Daily	"Title 10, U.S.C. Section 2637 (1985) (Section 614, P.L. 98-525 DOD Authorization Act, 1985)"	Authorized - 10 U.S.C. 2637.
Chief of Staff, U.S. Army	Daily	"DOD Directive 4500.36"	Authorized - 10 U.S.C. § 2637.
Vice Chief of Staff, U.S. Army	When acting chief	"DOD Directive 4500.36"	Not authorized. Acting Chief of Staff is not authorized home-to-work transportation. (note e)

AGENCIES' AND GAO'S VIEWS ON THE AUTHORITIES
FOR THE 128 OFFICIALS AND THEIR RELATIVES PROVIDED
TRANSPORTATION DURING THE PERIOD JANUARY 1 TO JUNE 30, 1985

<u>Official/relative receiving transportation</u>	<u>Frequency</u>	<u>Authority/circumstances/remarks as taken directly from the agency response to GAO's questionnaire</u>	<u>GAO comments to agency's response</u>
DEFENSE, DEPARTMENT OF (CONTINUED)			
Chief of Naval Operations (CNO)	Daily	"Service Chief, Chief of Naval Operations/Member Joint Chiefs of Staff"	Authorized - 10 U.S.C. § 2637.
Wife of Chief of Naval Operations	Once/twice per month	"Hosting foreign VIP's (foreign CNO wives and party) for tour of Washington, D.C."	Not authorized. Agency explan- ation does not overcome statu- tory prohibition. Spouses are not themselves considered representatives of the United States. (note a)
Commandant, Marine Corps	Daily	"Service Chief"	Authorized as a member of Joint Chief of Staff - 10 U.S.C. § 2637.
Wife of Commandant	3 occasions	"When invited to official social events, . . . as wife of Commandant" (Attended official function with Commandant on 2 occasions. At- tended alone on 1 occasion.)	Partially authorized. Author- ized when meeting Commandant at official function. Not authorized when attending official function alone. (note a) Spouses are not them- selves considered representa- tives of the United States.
Secretary of the Air Force	Daily	"Title 10, U.S.C. Section 2637 (1985) (Section 614, P.L. 98-525 DOD Authorization Act, 1985)"	Authorized. See 62 Comptroller General 438, 443 note (1983).
Secretary of the Army	Daily	"DOD Directive 4500.36"	Authorized. See 62 Comptroller General 438, 443 note (1983).

AGENCIES' AND GAO'S VIEWS ON THE AUTHORITIES
FOR THE 128 OFFICIALS AND THEIR RELATIVES PROVIDED
TRANSPORTATION DURING THE PERIOD JANUARY 1 TO JUNE 30, 1985

<u>Official/relative receiving transportation</u>	<u>Frequency</u>	<u>Authority/circumstances/remarks as taken directly from the agency response to GAO's questionnaire</u>	<u>GAO comments to agency's response</u>
DEFENSE, DEPARTMENT OF (CONTINUED)			
Secretary of the Navy	Daily Including Weekends	"Service Secretary"	Authorized. See 62 Comptroller General 438, 443 note (1983).
Wife of Secretary of the Navy	Rare only for official functions	"Rare - only when joining up with her husband to attend an official function."	Authorized. (note a) Spouse of official entitled to routine transportation may be trans- ported to meet that official at an official function.
EDUCATION, DEPARTMENT OF			
Secretary	Daily	"Cabinet Officer, Department of Education"	Authorized - cabinet department head.
Wife of Secretary	Three times from 2/7/85 to present for official cabinet functions	"GAO Comptroller General Decision B-210555.9" (Either traveled with Secretary or met Secretary at official function)	Authorized. (note a) Spouse of official entitled to routine transportation may be trans- ported to meet that official at an official function.
ENERGY, DEPARTMENT OF			
Secretary	Daily	"31 U.S.C. 1344(b)(2)"	Authorized - cabinet department head

APPENDIX II

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AGENCIES' AND GAO'S VIEWS ON THE AUTHORITIES
FOR THE 128 OFFICIALS AND THEIR RELATIVES PROVIDED
TRANSPORTATION DURING THE PERIOD JANUARY 1 TO JUNE 30, 1985

<u>Official/relative receiving transportation</u>	<u>Frequency</u>	<u>Authority/circumstances/remarks as taken directly from the agency response to GAO's questionnaire</u>	<u>GAO comments to agency's response</u>
ENERGY, DEPARTMENT OF (CONTINUED)			
Manager, Idaho Operations Office	Daily	"DOE-PMR 109-38.54. Safety and security emergency response capability"	Not authorized. Emergency response capability is not sufficient justification to overcome statutory prohibition. (note f)
Manager, Savannah River Operations Office	Daily	"DOE-PMR 109-38.54. Safety and security emergency response capability"	Not authorized. Emergency response capability is not sufficient justification to overcome statutory prohibition. (note f)
Assistant Manager for Operations, Savannah River Operations Office	Daily	"DOE-PMR 109-38.54. Safety and security emergency response capability"	Not authorized. Emergency response capability is not sufficient justification to overcome statutory prohibition. (note f)
Deputy Manager, Savannah River Operations Office	Daily	"DOE-PMR 109-38.54. Safety and security emergency response capability"	Not authorized. Emergency response capability is not sufficient justification to overcome statutory prohibition. (note f)
Director, Nevada Test Site Office	Daily	"DOE-PMR 109-38.54. Safety and security emergency response capability"	Not authorized. Emergency response capability is not sufficient justification to overcome statutory prohibition. (note f)

AGENCIES' AND GAO'S VIEWS ON THE AUTHORITIES
FOR THE 128 OFFICIALS AND THEIR RELATIVES PROVIDED
TRANSPORTATION DURING THE PERIOD JANUARY 1 TO JUNE 30, 1985

<u>Official/relative receiving transportation</u>	<u>Frequency</u>	<u>Authority/circumstances/remarks as taken directly from the agency response to GAO's questionnaire</u>	<u>GAO comments to agency's response</u>
ENERGY, DEPARTMENT OF (CONTINUED)			
Chief, Safeguards and Nevada Test Site Security Branch	Daily	"DOE-PMR 109-38.54. Safety and security emergency response capability"	Not authorized. Emergency response capability is not sufficient justification to overcome statutory prohibition. (note f)
Eastern Area Measurements Site Manager, Maryland	Daily	"DOE-PMR 109-38.54. Safety and security emergency response capability"	Not authorized. Emergency response capability is not sufficient justification to overcome statutory prohibition. (note f)
Supervisory Petroleum Engineer, Naval Petroleum Reserve, California	Daily until 3/19/85 local authorization elapsed	"DOE-PMR 109-38.54. On call response to oil drilling and producing operations"	Not authorized. Emergency response capability is not sufficient justification to overcome statutory prohibition. (note f)
Petroleum Engineer, Naval Petroleum Reserve, California	Daily until 3/19/85 local authorization elapsed	"DOE-PMR 109-38.54. On call response to oil drilling and producing operations"	Not authorized. Emergency response capability is not sufficient justification to overcome statutory prohibition. (note f)
Supervisory Geologist Naval Petroleum Reserve, California	Daily until 3/19/85 local authorization elapsed	"DOE-PMR 109-38.54. On call response to oil drilling and producing operations"	Not authorized. Emergency response capability is not sufficient justification to overcome statutory prohibition. (note f)

AGENCIES' AND GAO'S VIEWS ON THE AUTHORITIES
FOR THE 128 OFFICIALS AND THEIR RELATIVES PROVIDED
TRANSPORTATION DURING THE PERIOD JANUARY 1 TO JUNE 30, 1985

<u>Official/relative receiving transportation</u>	<u>Frequency</u>	<u>Authority/circumstances/remarks as taken directly from the agency response to GAO's questionnaire</u>	<u>GAO comments to agency's response</u>
ENERGY, DEPARTMENT OF (CONTINUED)			
Assistant to the Government's Member Operating Committee Naval Petroleum Reserve, California	Daily until 3/19/85 local authorization elapsed	"DOE-PMR 109-38.54. On call response to oil drilling and producing operations"	Not authorized. Emergency response capability is not sufficient justification to overcome statutory prohibition. (note f)
Safety and Occupa- tional Health Manager, Naval Petroleum Reserve, California	Daily until 3/19/85 local authorization elapsed	"DOE-PMR 109-38.54. On call safety emergency response capability"	Not authorized. Emergency response capability is not sufficient justification to overcome statutory prohibition. (note f)
Director, Safeguards and Security Division, Savannah River Operations Office	Approx- imately twice a month	"DOE-PMR 109-38.54. Escort official visitors"	Not authorized. Escort of official visitors is not an exception to statutory prohibition. (note f)
FEDERAL DEPOSIT INSURANCE CORPORATION			
Chairman	Daily	"Non appropriated funds used"	Authorized. Home-to-work pro- hibition of 31 U.S.C. 1344 applicable only when appropri- ated funds involved.
Appointive Director	Daily	"Non appropriated funds used"	Authorized. Home-to-work pro- hibition of 31 U.S.C. 1344 applicable only when appropri- ated funds involved.

AGENCIES' AND GAO'S VIEWS ON THE AUTHORITIES
FOR THE 128 OFFICIALS AND THEIR RELATIVES PROVIDED
TRANSPORTATION DURING THE PERIOD JANUARY 1 TO JUNE 30, 1985

<u>Official/relative receiving transportation</u>	<u>Frequency</u>	<u>Authority/circumstances/remarks as taken directly from the agency response to GAO's questionnaire</u>	<u>GAO comments to agency's response</u>
FEDERAL DEPOSIT INSURANCE CORPORATION (CONTINUED)			
Comptroller of the Currency, Member of the Board	Daily	"Non appropriated funds used"	Authorized. Home-to-work prohibition of 31 U.S.C. 1344 applicable only when appropriated funds involved.
FEDERAL EMERGENCY MANAGEMENT AGENCY			
Assistant Associate Director, Office of Facilities Management	4-5 times per week	The Assistant Associate Director's duty station is Berryville, VA and the vehicle is taken from the facility nearly every night. Two or three times per week the vehicle is used to go to D.C. the next day. The Assistant Associate Director never charges mileage, parking fees, per diem, etc., since the government vehicle can be parked on the street in a government parking area.	Not authorized. Economy for the government and convenience of the official passenger are not sufficient justification to overcome statutory prohibition. (note f)

APPENDIX II

APPENDIX II

AGENCIES' AND GAO'S VIEWS ON THE AUTHORITIES
FOR THE 128 OFFICIALS AND THEIR RELATIVES PROVIDED
TRANSPORTATION DURING THE PERIOD JANUARY 1 TO JUNE 30, 1985

<u>Official/relative receiving transportation</u>	<u>Frequency</u>	<u>Authority/circumstances/remarks as taken directly from the agency response to GAO's questionnaire</u>	<u>GAO comments to agency's response</u>
FEDERAL RESERVE SYSTEM			
Chairman	Daily	"Transportation has been provided to and from the Chairman's residence in accordance with Title 31, Section 638A, U.S.C. concerning use of vehicles for security reasons. This transportation arrangement is one of several security measures that the Board put into place in response to threats directed towards the Chairman. A security professional accompanies him on all trips and drivers have received special motor vehicle training to deal with threatening situations."	Authorized. (note b) Agency justification reasonably appears to satisfy necessary elements of security rationale.
Wife of Chairman	Less than once a month	"Used when she comes to Washington to participate in official social events at which spouse's attendance is appropriate"	Not authorized. Transportation of spouse of Chairman permitted only on a space available basis when accompanying Chairman enroute. (note a)
Vice Chairman	Average 6 single way trips per month	"Use of vehicles is in connection with exceptional circumstances with official travel and late night work or official functions."	Not authorized. Position not within statutory exceptions. Convenience of the official passenger is not sufficient justification to overcome statutory prohibition. (note f)

AGENCIES' AND GAO'S VIEWS ON THE AUTHORITIES
FOR THE 128 OFFICIALS AND THEIR RELATIVES PROVIDED
TRANSPORTATION DURING THE PERIOD JANUARY 1 TO JUNE 30, 1985

<u>Official/relative receiving transportation</u>	<u>Frequency</u>	<u>Authority/circumstances/remarks as taken directly from the agency response to GAO's questionnaire</u>	<u>GAO comments to agency's response</u>
FEDERAL RESERVE SYSTEM (CONTINUED)			
Governor	About 4 single way trips per month	"Use of vehicles is in connection with exceptional circumstances with official travel and late night work or official functions"	Not authorized. Position not within statutory exceptions. Convenience to official passenger is not sufficient justification to overcome statutory prohibition. (note f)
Governor	About 4 single way trips per month	"Use of vehicles is in connection with exceptional circumstances with official travel and late night work or official functions"	Not authorized. Position not within statutory exceptions. Convenience to official passenger is not sufficient justification to overcome statutory prohibition. (note f)
GENERAL SERVICES ADMINISTRATION			
Transportation Operations Specialist, Office of Federal Supply and Services	Daily	"To conduct field work at the Faraday National Corporation, Herndon, VA, the GSA Contractor for embossing and issuance of the S.F. 149, U.S. Government National Credit Card (authority 31 U.S.C. 1344(a))."	Not authorized. Transportation does not fall within narrow field work exception. (note c)
Transportation Operations Specialist, Office of Federal Supply and Services	Daily	"To conduct field work at the Faraday National Corporation, Herndon, VA, the GSA Contractor for the embossing and issuance of the S.F. 149, U.S. Government National Credit Card (authority 31 U.S.C. 1344(a))."	Not authorized. Transportation does not fall within narrow field work exception. (note c)

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<u>Official/relative receiving transportation</u>	<u>Frequency</u>	<u>Authority/circumstances/remarks as taken directly from the agency response to GAO's questionnaire</u>	<u>GAO comments to agency's response</u>
HEALTH AND HUMAN SERVICES, DEPARTMENT OF			
Secretary	Daily	"Department's Material Management Manual and 31 U.S.Code, Section 1344"	Authorized - Cabinet Department head
HOUSING AND URBAN DEVELOPMENT DEPARTMENT OF			
Secretary	Daily	"Title 31, Section 638a(c)(2) U.S.Code and the Comptroller General's Opinion B-210555"	Authorized - Cabinet Department head
INFORMATION AGENCY, U.S.			
Director	Daily	"The Director has almost daily 8:45 am meetings at the Department of State. Almost nightly he attends social functions related to his office."	Not authorized. Position not within statutory exceptions. Convenience to official passenger not sufficient justification to overcome statutory prohibition. (note f)
Wife of the Director	Occasionally	"Occasionally the car will pick up the wife of the Director then pick up the Director enroute to a function (approximately five to ten times per year). This enables the Director to continue working for that additional time."	Not authorized. Transportation of spouse of Director permitted only when the Director himself is authorized transportation. (note a)

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<u>Official/Relative receiving transportation</u>	<u>Frequency</u>	<u>Authority/circumstances/remarks as taken directly from the agency response to GAO's questionnaire</u>	<u>GAO comments to agency's response</u>
INFORMATION AGENCY, U.S. (CONTINUED)			
Associate Director for Management	Only during Director's absence	"As Acting Director, home to office transportation is required to meet scheduled requirements for early meetings and evening social functions related to the Director's responsibility performed in his absence."	Not authorized. Position not within statutory exceptions. Convenience to official pass- enger not sufficient justifi- cation to overcome statutory prohibition. (note f)
INTERIOR, DEPARTMENT OF			
Former Secretary	Daily	"31 U.S.C. 338(a)" [31 U.S.C. § 1344]	Authorized - Former Cabinet Department head
Wife of the former Secretary	"Periodically the Secre- tary's wife accompanies him to official functions which origi- nate or terminate at their residence"	"The Secretary is authorized such transportation under 31 U.S.C. 638(a). On occasions where the Secretary's wife is provided transportation, she is an official guest of the Secretary or a participant in the function"	Authorized. (note a) Spouse of official entitled to routine transportation may be trans- ported to meet that official at an official function.
Secretary	Daily	"31 U.S.C. 638(a)" [31 U.S.C. § 1344]	Authorized - Cabinet Department head

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<u>Official/relative receiving transportation</u>	<u>Frequency</u>	<u>Authority/circumstances/remarks as taken directly from the agency response to GAO's questionnaire</u>	<u>GAO comments to agency's response</u>
INTERIOR, DEPARTMENT OF (CONTINUED)			
Wife of the Secretary	"Periodically the Secretary's wife accompanies him to official functions which originate or terminate at their residence"	"The Secretary is authorized such transportation under 31 U.S.C. 638(a). On occasions where the Secretary's wife is provided transportation, she is an official guest of the Secretary or a participant in the function"	Authorized. (note a) Spouse of an official entitled to routine transportation may be transported to meet that official at an official function.
Public Safety Officer, Fish and Wildlife Service	Daily	"Responds to emergency calls on six National Wildlife Refuges. . . involved with the protection of life and property . . . on call 24 hours per day."	Not authorized. Emergency response capability not sufficient justification to overcome statutory prohibition. (note f)
Assistant Refuge Manager, Fish and Wildlife Service	Daily	"After hour call-outs to law enforcement calls and other emergencies." " . . . involved with the protection of life and property . . . on call 24 hours per day."	Not authorized. Emergency response capability not sufficient justification to overcome statutory prohibition. (note f)
Hatchery Manager, Fish and Wildlife Service	Daily	"Protection of life and property . . . 24 hours per day."	Not authorized. Protection of government property is not sufficient justification to overcome statutory prohibition. (note f)

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<u>Official/relative receiving transportation</u>	<u>Frequency</u>	<u>Authority/circumstances/remarks as taken directly from the agency response to GAO's questionnaire</u>	<u>GAO comments to agency's response</u>
INTERIOR, DEPARTMENT OF (CONTINUED)			
Mining Engineering Technician, Office of Surface Mining, Wilkes-Barre, PA	Daily	"To increase the efficiency of the use of the vehicle by enabling the users to travel directly to project sites without time consuming and expensive travel to obtain their vehicles."	Not authorized. Economy for the government and conven- ience of the official pass- engers are not sufficient justifications to overcome statutory prohibition. (note f)
		"To improve the protection for the vehicle and its contents as compared to its being parked over- night at the project site and/or to eliminate costly parking fees to park vehicles at commercial parking lots."	Technician travels from home to a fixed location each work day. Not covered under narrow field work exception. (note c)
2 Mining Engineering Technicians, Office of Surface Mining, Wilkes-Barre, PA	Daily share vehicle	"To increase the efficiency of the use of the vehicle by enabling the users to travel directly to project sites without time consuming and expensive travel to obtain their vehicles." "To improve the protection for the vehicle and its contents as compared to its being parked overnight at the project site and/or to eliminate costly parking fees to park vehicles at commercial parking lots."	Authorized. Field work ex- ception. (note c) The tech- nician's work includes travel- ing from place to place during a work day.

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<u>Official/relative receiving transportation</u>	<u>Frequency</u>	<u>Authority/circumstances/remarks as taken directly from the agency response to GAO's questionnaire</u>	<u>GAO comments to agency's response</u>
INTERIOR, DEPARTMENT OF (CONTINUED)			
Mining Engineering Technician, Office of Surface Mining, Wilkes-Barre, PA	Daily	<p>"To increase the efficiency of the use of the vehicle by enabling the users to travel directly to project sites without time consuming and expensive travel to obtain their vehicles."</p> <p>"To improve the protection for the vehicle and its contents as compared to its being parked overnight at the project site and/or to eliminate costly parking fees to park vehicles at commercial parking lots."</p>	<p>Not authorized. Economy for the government or convenience of the official passenger are not sufficient justifications to overcome statutory prohibition. (note f)</p> <p>Technician travels from home to a fixed location each work day. Does not fit field work exception. (note c)</p>
Mining Engineering Technician, Office of Surface Mining, Wilkes-Barre, PA	Daily	<p>"To increase the efficiency of the use of the vehicle by enabling the users of travel directly to project sites without time consuming and expensive travel to obtain their vehicles."</p> <p>"To improve the protection for the vehicle and its contents as compared to its being parked overnight at the project site and/or to eliminate costly parking fees to park vehicles at commercial parking lots."</p>	<p>Not authorized. Economy for the government or convenience of the official passenger are not sufficient justifications to overcome statutory prohibition. (note f)</p> <p>Technician travels from home to a fixed location each work day. Does not fit field work exception. (note c)</p>

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<u>Official/relative receiving transportation</u>	<u>Frequency</u>	<u>Authority/circumstances/remarks as taken directly from the agency response to GAO's questionnaire</u>	<u>GAO comments to agency's response</u>
INTERIOR, DEPARTMENT OF (CONTINUED)			
Construction Inspector, Office of Surface Mining, Wilkes-Barre, PA	Daily	<p>"To increase the efficiency of the use of the vehicle by enabling the users to travel directly to project sites without time consuming and expensive travel to obtain their vehicles."</p> <p>"To improve the protection for the vehicle and its contents as compared to its being parked overnight at the project site and/or to eliminate costly parking fees to park vehicles at commercial parking lots."</p>	<p>Not authorized. Economy for the government or convenience of the official passenger are not sufficient justifications to overcome statutory prohibition. (note f)</p> <p>Technician travels from home to a fixed location each work day. Does not fit field work exception. (note c)</p>
Mining Engineer, Office of Surface Mining, Wilkes-Barre, PA	Daily	<p>"To increase the efficiency of the use of the vehicle by enabling the users to travel directly to project sites without time consuming and expensive travel to obtain their vehicles."</p> <p>"To improve the protection for the vehicle and its contents as compared to its being parked overnight at the project site and/or to eliminate costly parking fees to park vehicles at commercial parking lots."</p>	<p>Not authorized. Economy for the government or convenience of the official passenger are not sufficient justifications to overcome statutory prohibition. (note f)</p> <p>Engineer travels from home to a fixed location each work day. Does not fit field work exception. (note c)</p>

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<u>Official/relative receiving transportation</u>	<u>Frequency</u>	<u>Authority/circumstances/remarks as taken directly from the agency response to GAO's questionnaire</u>	<u>GAO comments to agency's response</u>
INTERIOR, DEPARTMENT OF (CONTINUED)			
Physical Scientist, Office of Surface Mining, Wilkes-Barre, PA	Daily	"To increase the efficiency of the use of the vehicle by enabling the users to travel directly to project sites without time consuming and expensive travel to obtain their vehicles." "To improve the protection for the vehicle and its contents as compared to its being parked overnight at the project site and/or to eliminate costly parking fees to park vehicles at commercial parking lots."	Not authorized. Economy for the government or convenience of the official passenger are not sufficient justifications to overcome statutory prohibition. (note f) Scientist travels from home to a fixed location each work day. Does not fit field work exception. (note c)
Construction Inspector, Office of Surface Mining, Wilkes-Barre, PA	Daily	"To increase the efficiency of the use of the vehicle by enabling the users to travel directly to project sites without time consuming and expensive travel to obtain their vehicles." "To improve the protection for the vehicle and its contents as compared to its being parked overnight at the project site and/or to eliminate costly parking fees to park vehicles at commercial parking lots."	Not authorized. Economy for the government or convenience of the official passenger are not sufficient justifications to overcome statutory prohibition. (note f) Inspector travels from home to a fixed work location each work day. Does not fit field work exception. (note c)

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<u>Official/relative receiving transportation</u>	<u>Frequency</u>	<u>Authority/circumstances/remarks as taken directly from the agency response to GAO's questionnaire</u>	<u>GAO comments to agency's response</u>
INTERIOR, DEPARTMENT OF (CONTINUED)			
Construction Inspector, Office of Surface Mining, Wilkes-Barre, PA	Daily	"To increase the efficiency of the use of the vehicle by enabling the users to travel directly to project sites without time consuming and expensive travel to obtain their vehicles."	Not authorized. Economy for the government or convenience of the official passenger are not sufficient justifications to overcome statutory prohibition. (note f)
		"To improve the protection for the vehicle and its contents as compared to its being parked overnight at the project site and/or to eliminate costly parking fees to park vehicles at commercial parking lots."	Inspector travels from home to a fixed work location each work day. Does not fit field work exception. (note c)
Construction Inspector, Office of Surface Mining, Wilkes-Barre, PA	Daily	"To increase the efficiency of the use of the vehicle by enabling the users to travel directly to project sites without time consuming and expensive travel to obtain their vehicles."	Not authorized. Economy for the government or convenience of the official passenger are not sufficient justifications to overcome statutory prohibition. (note f)
		"To improve the protection for the vehicle and its contents as compared to its being parked overnight at the project site and/or to eliminate costly parking fees to park vehicles at commercial parking lots."	Inspector travels from home to a fixed location each work day. Does not fit field work exception. (note c)

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INTERIOR, DEPARTMENT OF (CONTINUED)			
Operation and Maintenance Branch Manager, Bureau of Reclamation, Farmington, NM	Daily	"Reclamation Instructions 114S-38.7105" Ditchriders - Place to place travel	Authorized. (note c)
Electrician, Bureau of Reclamation, Farmington, NM	Daily	"Reclamation Instructions 114S-38.7105" Place to place during day.	Authorized. (note c)
Irrigation System Manager, (Chief, Operation Branch), Bureau of Reclamation, Farmington, NM	Daily	"Reclamation Instructions 114S-38.7105" Place to place during day.	Authorized. (note c)
Master Mechanic, Bureau of Reclamation, Farmington, NM	Daily	"Reclamation Instructions 114S-38.7105" Place to place during day.	Authorized. (note c)
Chief, Plant Protection, Bureau of Reclamation, Grand Cooley Dam	Daily	"Reclamation Instructions 114S-38.7104" Place to place during day.	Authorized. (note c)
JUSTICE, DEPARTMENT OF			
Attorney General	Daily	"31 U.S.C. 1344"	Authorized - Cabinet Department head

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<u>Official/relative receiving transportation</u>	<u>Frequency</u>	<u>Authority/circumstances/remarks as taken directly from the agency response to GAO's questionnaire</u>	<u>GAO comments to agency's response</u>
JUSTICE, DEPARTMENT OF (CONTINUED)			
Director Federal Bureau of Investigation	Daily	The Director of the FBI has received numerous threats against his life which place him in virtually continuous imminent danger. These threats necessitate 24 hour, seven day a week personal security protection for the Director. The home-to-work transportation received by the Director is incidental to the security detail that accompanies and protects the Director. We believe that in this context home-to-work transportation was contemplated by Comptroller General Decision B-210555.	Authorized. (note b) Agency justification reasonably appears to satisfy necessary elements of security rationale.

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<u>Official/relative receiving transportation</u>	<u>Frequency</u>	<u>Authority/circumstances/remarks as taken directly from the agency response to GAO's questionnaire</u>	<u>GAO comments to agency's response</u>
JUSTICE, DEPARTMENT OF (CONTINUED)			
Acting Administrator, Drug Enforcement Administration	Daily	"Individuals engaged in illegal narcotic traffic are generally dangerous and in recent months their threats and violence against federal law enforcement officials have reached alarming proportions. The Administrator of the DEA by virtue of his position as the director of an aggressive and effective law enforcement program, is an obvious target for violence and retaliation. The Administrator is accordingly provided home-to-work transportation as a safety measure, which has the benefit of permitting him to be in constant contact with his office. We believe that home-to-work transportation in this context is contemplated by Comptroller General Decision B-210555	Authorized. (note b) Agency justification reasonably appears to satisfy necessary elements of security rationale, based on agency response and additional information provided by agency.
LABOR, DEPARTMENT OF			
Secretary	Daily	"Section 512, Appropriations Bill P.L. 98-619."	Authorized - Cabinet Department head

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<u>Official/relative receiving transportation</u>	<u>Frequency</u>	<u>Authority/circumstances/remarks as taken directly from the agency response to GAO's questionnaire</u>	<u>GAO comments to agency's response</u>
NUCLEAR REGULATORY COMMISSION			
Chairman	One Time	"Chairman recalls riding to work in Government vehicle once during severe weather conditions (driver was picking up documents)."	Authorized. Transportation permissible on a space-available basis. See 62 Comptroller General 438,447 (1983).
Commissioner	Not given	"When agency vehicles are authorized to transport the Commissioner's luggage from home to work for use later in the day on official travel, the Commissioner will accompany that luggage since no additional cost to the government is incurred."	Not authorized. Agency's explanation includes no justification for transport of personal luggage.
Deputy Director, Office of Public Affairs	Occasional usage	"To interview for Public Affairs Office in Region I. Departure/arrival from residence most efficient."	Not authorized. Convenience of the official passenger is not sufficient justification to overcome statutory prohibition. (note f)

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<u>Official/relative receiving transportation</u>	<u>Frequency</u>	<u>Authority/circumstances/remarks as taken directly from the agency response to GAO's questionnaire</u>	<u>GAO comments to agency's response</u>
OFFICE OF MANAGEMENT AND BUDGET			
Director	Daily	<p>"Based on prior opinions of the Department of Justice and GAO, OMB's Counsel to the Director authorized provision of portal-to-portal transportation for the Director and the Deputy Director, based on statutory grounds of personal security; and their need to be in constant communication with the White House immediately surrounding submission of the budget, and Congressional deliberations on the Executive Branch requests and the first budget resolution."</p> <p>"In particular, the provision of such transportation has been deemed permissible in light of Congress' acquiescence in the longstanding practice of providing such transportation to senior officials pursuant to these earlier GAO and Justice opinions; and Section 406 of the HUD-Independent Agencies Appropriations Act (Public Law 98-371). This Section, by expressly preventing the use of appropriated funds to provide such transportation to all officials other than the Secretary of HUD for the agencies covered by the bill, demonstrates that Congress knows how to prohibit such transportation when it wishes to do so."</p>	<p>Not authorized. Not a Cabinet Department head. Transportation for security reasons not authorized without specific evidence of a "clear and present danger" and a showing that use of a government vehicle would increase protection of the official passenger. (note b). Agency explanation is not in accord with statutory prohibition (note f)</p>

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OFFICE OF MANAGEMENT AND BUDGET (CONTINUED)			
Wife of Director	Frequently accompanies husband to work	On one occasion the wife of the Director was provided transportation from home to the physician's office. Frequently she accompanies the Director to the Old Executive Office Building and then is driven the remaining few blocks to her office.	Not authorized. Spouse of Director authorized transportation only on a space-available basis when the Director himself is authorized transportation. (note a)
Deputy Director	Daily 1/1/85 until 4/5/85	"Based on prior opinions of the Department of Justice and GAO, OMB's Counsel to the Director authorized provisions of portal-to-portal transportation for the Director and the Deputy Director, based on statutory grounds; the need for protection on grounds of personal security; and their need to be in constant communication with the White House during the period immediately surrounding submission of the budget, and Congressional deliberations on the Executive Branch requests and the first budget resolution." (Continued on next page)	Not authorized. Transportation for security reasons not authorized without <u>specific</u> evidence of a "clear and present danger" and a showing that use of a government vehicle would increase protection of the official passenger. (note b). Agency explanation is not in accord with statutory prohibition. (note f)

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OFFICE OF MANAGEMENT AND BUDGET (CONTINUED)			
Deputy Director (Continued)		"In particular, the provision of such transportation has been deemed permissible in light of Congress' acquiescence in the longstanding practice of providing such transportation to senior agency officials pursuant to these earlier GAO and Justice opinions; and Section 406 of the HUD-Independent Agencies Appropriations Act (Public Law 98-371), by expressly preventing the use of appropriated funds to provide such transportation to all officials other than the Secretary of HUD for the agencies covered by the bill, demonstrates that Congress knows how to prohibit such transportation when it wishes to do so."	
OFFICE OF PERSONNEL MANAGEMENT			
Former Director	3 occasions	Agency response did not include Former Director. GAO's review of records disclosed three occasions of home-to-work transportation.	Not authorized. OPM Director is not head of an executive department listed in section 101 of Title 5.

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OFFICE OF PERSONNEL MANAGEMENT (CONTINUED)			
Acting Director	2 occasions	On two occasions the Acting Director was transported from her home to the office and later in the day to National Airport to travel in an official capacity to conduct agency business in the field. 31 U.S.C. 1344.	Not authorized. Convenience of the official passenger is not sufficient justification to overcome statutory prohibition. (note f) OPM not considered cabinet level department.
OVERSEAS PRIVATE INVESTMENT CORPORATION			
President and Chief Executive Officer	6 times per month	"No appropriated funds used."	Authorized. Home-to-work prohibition of 31 U.S.C. 1344 applicable only when appropriated funds involved.
Executive Vice President	9 times per month	"No appropriated funds used."	Authorized. Home-to-work prohibition of 31 U.S.C. 1344 applicable only when appropriated funds involved.
PEACE CORPS			
Director	2 times	"The director has been driven home from the office to enable her to use the time during the trip to work on official Peace Corps business."	Not authorized. Economy to the government is not sufficient justification to overcome statutory prohibition. (note f)

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<u>Official/relative receiving transportation</u>	<u>Frequency</u>	<u>Authority/circumstances/remarks as taken directly from the agency response to GAO's questionnaire</u>	<u>GAO comments to agency's response</u>
POSTAL SERVICE			
Postmaster General	Daily	"39 U.S.C. 401, 1001(e). The extended and pressing work schedule of the Postmaster General, characterized by multiple business functions beginning very early in the day and extending into the evening, requires the availability of transportation to and from work."	Not authorized. Convenience of the official passenger is not sufficient justification to overcome statutory prohibition. (note f) Postal Service not listed in 31 U.S.C. § 1344(b).
Wife of Postmaster General	Infrequently	"Such limited transportation for the wife of the Postmaster General is solely for the purpose of facilitating her attendance at official functions."	Not authorized. Spouse of the Postmaster General would have been authorized transportation on a space-available basis only if the Postmaster General himself has been authorized transportation. (note a)
Former Deputy Postmaster General	Daily through 2/16/85	"39 U.S.C. 401, 1001(e). The extended and pressing work schedule of the Deputy Postmaster General, characterized by multiple business functions beginning very early in the day and extending late into the evening, requires the availability of transportation to and from work."	Not authorized. Convenience of the official passenger is not sufficient justification to overcome statutory prohibition. (note f) Not covered by § 1344(b).

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POSTAL SERVICE (CONTINUED)			
Deputy Postmaster General	Daily since 2/16/85	"39 U.S.C. 401, 1001(e). The extended and pressing work schedule of the Deputy Postmaster General, characterized by multiple business functions beginning very early in the day and extending late into the evening, requires the availability of transportation to and from work."	Not authorized. Convenience of the official passenger is not sufficient justification to overcome statutory prohibition. (note f) Not covered by § 1344(b).
SMITHSONIAN INSTITUTION			
Secretary	Daily	"Non federal funds used"	Authorized. Home-to-work prohibition of 31 U.S.C. 1344 applicable only when appropriated funds involved.
STATE, DEPARTMENT OF			
Secretary	Daily	"Title 31 U.S.C. Section 1344(a)"	Authorized - Cabinet Department head 31 U.S.C. § 1344(b).
Deputy Secretary	Daily	"Title 1 - Section 11, the State Department Basic Authorities Act" vis-a-vis the 1984 Act to Combat International Terrorism."	Authorized by 22 U.S.C. § 2678
U.S. Ambassador to the United Nations	Daily	"Title 31, U.S.C. 1344(a) and the February 2, 1984 interpretation of the law by the GAO B-210555.4."	Authorized. Fits exception for "Principal diplomatic and consular officials."
Chief of Protocol	Daily	"September 1, 1983, interpretation of the law by the Comptroller General. (GAO Ref. B-210555.2)."	Not authorized. Decision in B-210555.2, September 1, 1983 had only interim effect.

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TENNESSEE VALLEY AUTHORITY			
Chief, Land Between The Lakes Patrol, Office of Natural Resources and Economic Development	Often	"No authority and the use has ceased."	Not authorized.
TRANSPORTATION, DEPARTMENT OF			
Secretary	Daily	"31 U.S.C. 1344(b)"	Authorized - Cabinet Department head
Deputy Secretary	4 times when acting Secretary	"31 U.S.C. 1344(b)"	Not authorized. Acting Secre- tary is not authorized home-to- work transportation under 31 U.S.C. § 1344(b). (note e)
Commandant of the U.S. Coast Guard	Daily	"31 U.S.C. 1344; Transportation provided on temporary basis to protect official from clear and present danger to physical safety." "Used Daily From 1 Jan 85 to Feb 85 and 1 Mar 85 to present. The Commandant ceased using an official vehicle when DOT questioned the authority used to authorize use (approximately 13 Feb 85)." (Continued on next page)	Not authorized. Position not covered by statute cited. Transportation for security reasons not authorized without specific evidence of a "clear and present danger" and a show- ing that use of a government vehicle would increase pro- tection of the official passenger. (note b)

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<u>Official/relative receiving transportation</u>	<u>Frequency</u>	<u>Authority/circumstances/remarks as taken directly from the agency response to GAO's questionnaire</u>	<u>GAO comments to agency's response</u>
TRANSPORTATION, DEPARTMENT OF (CONTINUED)			
		"The Commandant resumed using an official vehicle on 1 March 85 on a temporary basis to protect him from a clear and present danger to his physical safety."	
District Commanders of Twelve Coast Guard Districts	Daily	<p>"31 U.S.C. 1344(a): Field Work Exception and the Motor Vehicle Manual, COMDSINST 11240.9."</p> <p>"Used Daily From 1 Jan 1985 to 13 Feb 1985 (until the DOT General Counsel determined that the field work exception was not applicable for these officials). The Commandant had determined that district commanders were performing field work of a character which made their use of Government owned or leased vehicles for work-to-home transportation essential within the meaning of 31 U.S.C. 1344 and such usage was authorized on a continuing basis."</p> <p>"Beginning March 1, 1985 four commanders are being provided home-to-work transportation because they are the Vice Presidents' National Narcotics Border Interdiction System (N.N.B.I.S) Coordinators." (Continued on next page)</p>	<p>Not authorized. Transportation does not fall within narrow field work exception. (note c) Transportation for security reasons not authorized without specific evidence of a "clear and present danger" and a showing that the use of a government vehicle would increase protection of official passenger. (note b)</p>

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TRANSPORTATION, DEPARTMENT OF (CONTINUED)			
District Commanders of Twelve Coast Guard Districts (Continued)		"The authority is 13 U.S.C. 1344: Use of Government vehicles for home-to-work transportation on a temporary basis to protect officials from a clear and present danger to their physical safety."	
		"Comptroller General decisions on 31 U.S.C. 1344: 54 Comptroller General 855 and 62 Comptroller General 438 have been applied to four District Commanders."	
Administrator of Federal Aviation Administration	3 to 4 times per month	"In conjunction with official business, the usage was largely air- port-to-home when returning from official travel. This use was on a non-routine basis and no chauffeur service was provided."	Authorized. Transportation from home-to-airport may be authorized if provided in accordance with Federal Travel Regulations. (note d)
TREASURY, DEPARTMENT OF			
Former Secretary	Daily 1/1/85 to 2/2/85	"Title 31 U.S.C. Section 1344"	Authorized - Cabinet Department head

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<u>Official/relative receiving transportation</u>	<u>Frequency</u>	<u>Authority/circumstances/remarks as taken directly from the agency response to GAO's questionnaire</u>	<u>GAO comments to agency's response</u>
TREASURY, DEPARTMENT OF (CONTINUED)			
Wife of Former Secretary	Official functions	"Hosting official functions for the Secretary."	Not authorized. Spouses are not themselves considered official representatives of the United States. Transpor- tation of spouse not autho- rized when attending official function alone. (note a)
Former Deputy Secretary	Daily 1/1/85 to 2/2/85	"Treasury Directive 70-01.J, Home-to-Work use of Official Vehicles. Treasury Directive 70-01.C, Use of Government Vehicles Assigned to the Office of the Secretary."	Not authorized. Deputy Secretary is not authorized home-to-work transportation.
Former Under Secretary for Monetary Affairs	4 times per month 1/1/85 to 3/17/85	"Treasury Directive 70-01.J, Home-to-Work use of Official Vehicles. Treasury Directive 70-01.C, Use of Government Vehicles Assigned to the Office of the Secretary."	Not authorized. Under Secretary is not authorized home-to-work transportation. Under statute 31 U.S.C. § 1344.
Secretary	Daily	"Title 31 U.S.C. Section 1344"	Authorized - Cabinet Department head
Wife of Secretary	6 times since 2/4/85	"Hosting official functions for the Secretary."	Not authorized. Transportation of spouse not authorized when attending official function alone. (note a) Spouses are not themselves considered re- presentatives of the United States.

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<u>Official/relative receiving transportation</u>	<u>Frequency</u>	<u>Authority/circumstances/remarks as taken directly from the agency response to GAO's questionnaire</u>	<u>GAO comments to agency's response</u>
TREASURY, DEPARTMENT OF (CONTINUED)			
Deputy Secretary	Daily 2/4/85 to 3/15/85	"Treasury Directive 70-01.J, Home-to-Work Use of Official Vehicles. Treasury Directive 70-01.C, Use of Government Vehicles Assigned to the Office of the Secretary."	Not authorized. Deputy Secretary is not authorized home-to-work transportation. Under statute 31 U.S.C. § 1344.
Associate Director (Law Enforcement), Bureau of Alcohol, Tobacco and Firearms	40 times per year	"Treasury Directive 70-01.J, 2/22/85 and individual written authorization signed by Bureau Director."	Not authorized. Associate Director is not authorized home-to-work transportation. Under statute 31 U.S.C. § 1344.
Regional Commissioner, Customs Service	Daily	TD 70, 2/22/85 Title 31, U.S.C., Sections 1344 and 1349.	Not authorized. Department explanation does not over- come statutory prohibition. (note f)
Regional Commissioner, Customs Service	Daily	TD 70, 2/22/85 Title, 31 U.S.C., Sections 1344 and 1349.	Not authorized. Department explanation does not over- come statutory prohibition. (note f)
Regional Commissioner, Customs Service	Daily	TD 70, 2/22/85 Title 31, U.S.C., Sections 1344 and 1349.	Not authorized. Department explanation does not over- come statutory prohibition. (note f)
Regional Commissioner, Customs Service	12 times per month	TD 70, 2/22/85 Title 31, U.S.C., Sections 1344 and 1349.	Not authorized. Department explanation does not over- come statutory prohibition. (note f)

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<u>Official/relative receiving transportation</u>	<u>Frequency</u>	<u>Authority/circumstances/remarks as taken directly from the agency response to GAO's questionnaire</u>	<u>GAO comments to agency's response</u>
TREASURY, DEPARTMENT OF (CONTINUED)			
Director, Secret Service	Daily	"This individual is the highest official of the Secret Service. His duties include the guidance of all activities of this bureau and require that he attend various meetings, conferences, and functions as the official representative of the Secret Service. In addition, his duties include the response to various protective sites throughout the Washington area to perform random short notice inspections at odd hours and to direct the bureau's response to major emergencies. Travel to a variety of locations in the metropolitan area to official government functions held during other than regular working hours also requires the exercise of home-to-work driving authority."	Not authorized. The convenience of the official passenger or emergency response capability are not sufficient justifications to overcome statutory prohibition. (note f)

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<u>Official/relative receiving transportation</u>	<u>Frequency</u>	<u>Authority/circumstances/remarks as taken directly from the agency response to GAO's questionnaire</u>	<u>GAO comments to agency's response</u>
TREASURY, DEPARTMENT OF (CONTINUED)			
Deputy Director, Secret Service	Daily	"This individual is one of the highest officials of the Secret Service. His duties include the guidance of all activities of this bureau and require that he attend various meetings, conferences, and functions as the official representative of the Secret Service. In addition, his duties include the response to various protective sites throughout the Washington area to perform random short notice inspections at odd hours and to direct the bureau's response to major emergencies. Travel to a variety of locations in the metropolitan area to official government functions held during other than regular working hours also requires the exercise of home-to-work driving authority."	Not authorized. The convenience of the official passenger or emergency response capability are not sufficient justification to overcome statutory prohibition. (note f)

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<u>Official/relative receiving transportation</u>	<u>Frequency</u>	<u>Authority/circumstances/remarks as taken directly from the agency response to GAO's questionnaire</u>	<u>GAO comments to agency's response</u>
TREASURY, DEPARTMENT OF (CONTINUED)			
Special Assistant to the Secretary Secret Service	Daily	<p>"The Special Assistant to the Secretary uses a vehicle for home-to-work transportation to perform his assigned duties. This person needs to be fully informed of critical situations for response to them. In addition, he must respond to various sites around Washington, D.C., during non-duty hours and perform random, short notice inspection tours of protective activities. The availability of a vehicle, with communications equipment satisfies this need.</p> <p>As Physical Security Contact Officer for the Office of Enforcement and Operations this person must be able to respond to security breaches and violations within Main Treasury on a 24-hour basis.</p> <p>In addition, this individual is a participant in various emergency plans."</p>	Not authorized. Emergency response capability is not sufficient justification to overcome statutory prohibition. (note f)

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TREASURY, DEPARTMENT OF (CONTINUED)			
Assistant Director, Office of Protective Operations, Secret Service	Daily	<p>"This official supervises the Office of Protective Operations. This office is responsible for the actual performance of the protective mission. In the event of any incidents relating to protectees, this office plans and directs our emergency response. The Assistant Director (Protective Operations) is required to be available to direct and coordinate, from the crisis center, the mobilization of additional personnel and equipment that is necessary for the use of the specific protective division involved with the emergency. Outside of normal working hours the Assistant Director of Protective Operations visits various functions and activities where protectees are involved to inspect, review and observe protective operations. This technique insures compliance with operational guidelines for the proper utilization of personnel and equipment.</p> <p>The duties of this official include frequent contact with government officials and private individuals to coordinate activities and keep abreast of developments that impact the Office of Protective Operations."</p>	Not authorized. Emergency response capability is not sufficient justification to overcome statutory prohibition. (note f)

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TREASURY, DEPARTMENT OF (CONTINUED)			
Assistant Director, Office of Investigations, Secret Service	Daily	<p>"The Office of Investigations is responsible for overall direction of the investigative mission of the Secret Service. The Assistant Director of Investigations has emergency plan assignments requiring his response in the event of a national emergency. The Office of Investigations is responsible for coordination of all nationwide criminal investigations, and all Special Agents involved in protective intelligence investigations report to the Office of Investigations. This Office is also responsible for coordinating the assignments of field personnel to details that are formed to respond to suddenly developing protective requirements. Immediate response to these short notice requirements is essential. Due to the critical nature of these activities, the use of a vehicle with communications between home and work is essential.</p> <p>The performance of these duties requires a variety of contacts with government officials and private individuals. These contacts may occur outside of regular business hours."</p>	Not authorized. The convenience of the official passenger or emergency response capability are not sufficient justifications to overcome statutory prohibition. (note f)

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TREASURY, DEPARTMENT OF (CONTINUED)			
Assistant Director, Office of Protective Research, Secret Service	Daily	"The Office of Protective Research provides intelligence and technical support for the protective mission. Though the Assistant Director normally works regular business hours, he is required to immediately respond to incidents whenever they occur and he is responsible for the monitoring and control of all Secret Service investigations involving threats against the President and others protected by the Secret Service. During an emergency, close coordination by this individual with the Office of Protective Operations is required to facilitate effective interpretation and use of intelligence. Liaison by this official with officials of other state and local law enforcement and intelligence agencies and with private industry to keep abreast of technical development on a 24-hour basis necessitates the use of an official vehicle between home and work."	Not authorized. The convenience of the official passenger or emergency response capability are not sufficient justifications to overcome statutory prohibition. (note f)

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TREASURY, DEPARTMENT OF (CONTINUED)			
Assistant Director, Office of Administration, Secret Service	Daily	<p>"The Assistant Director for Administration has the responsibility for the Continuity of Government Programs for the Secret Service. This assignment requires that the incumbent be available to respond to predesignated locations and to perform specific functions on very short notice in case of national emergency.</p> <p>In addition, the Assistant Director for Administration must be available to respond at all hours of the day or night to carry out various emergency plan assignments. Included within these assignments are the direct management and oversight responsibilities for the emergency expenditure of funds for acquisition of critically needed supplies and services; and the overall responsibility to authorize emergency needs of the Service's protective operations.</p> <p>Due to the critical nature of these activities, the use of a vehicle with communications equipment is essential between home and work."</p>	Not authorized. The convenience of the official passenger or emergency response capability are not sufficient justifications to overcome statutory prohibition. (note f)

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TREASURY, DEPARTMENT OF (CONTINUED)			
Assistant Director, Office of Inspection, Secret Service	35 trips	"The duties of the Office of Inspection require that this individual be available for emergency response to supervise special investigations and inspections and other investigative and protective assignments. The individual also has a role in a sensitive compartmented program that would require emergency response with a radio equipped vehicle. This official is frequently required to attend meetings and conferences as the representative of the Secret Service during non-business hours to facilitate the conduct of official business."	Not authorized. The convenience of the official passenger or emergency response capability are not sufficient justifications to overcome statutory prohibition. (note f)

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TREASURY, DEPARTMENT OF (CONTINUED)			
Assistant to the Director, Office of Training, Secret Service	40 trips	"The duties of this official require frequent contacts with other government officials and private individuals in the fields of law enforcement and education. These contacts are made in many different locations in the Washington metropolitan area. He is also responsible for activities at three separate locations, two in Washington and the other in Beltsville. He is responsible for providing readiness training to dignitary protective details upon mobilization, and to the permanent protective details before foreign trips and other trips of special concern. These duties require that he be able to travel to various locations at the beginning and end of the workday or during non-duty hours. This official is also required to be available for assignment during protective and investigative emergencies."	Not authorized. The convenience of the official passenger or emergency response capability are not sufficient justification to overcome statutory prohibition. (note f)

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TREASURY, DEPARTMENT OF (CONTINUED)			
Assistant to the Director, Office of Public Affairs, Secret Service	31 trips	"This person responds to frequent after hours emergency situations arising from short notice protective and investigative requirements. He also responds to the national and local media on newsworthy issues. He frequently reports directly to the scene to gather information and be available to the media. This type of immediate response is crucial to avoid erroneous information about the safety of the President and others that we protect from reaching the public. His duties require frequent contact with a variety of government and media personnel throughout the metropolitan area during other than regular working hours. These duties require that he be able to travel to various locations at the beginning and end of the work day or during non-duty hours."	Not authorized. Convenience to the official passenger and emergency response capability are not sufficient justifications to overcome statutory prohibition. (note f)

FOOTNOTES TO APPENDIX II

a/Spouses of government employees may be transported in government vehicles only when: (1) the spouse is accompanying an official whose transportation is itself authorized to or from his home and an official function and his or her transportation does not result in additional expense to the government, (2) the spouse of an official entitled to routine home-to-work transportation is being transported to or from an official or quasi-official function and the spouse's presence at the function is in the government's interest and circumstances make it awkward or impossible for the official to accompany the spouse enroute, or (3) government transportation is necessary for security reasons in accordance with the criteria of footnote a. See B-210555.9, June 28, 1984. Spouses are not themselves considered representatives of the United States, except overseas, and cannot "represent" the Government official at functions he or she does not attend.

b/The provision of home-to-work transportation to government employees is permissible for security reasons when: (1) there is a clear and present danger of violent criminal activity directed at the employee in question, (2) there is a showing that the provision of transportation in a Government car would provide protection not otherwise available, and (3) the decision to provide home-to-work transportation is made with circumspection and is not based on speculative or remote fears of criminal activity. See 54 Comptroller General 855 (1975); B-210555.3, February 7, 1984.

c/Home-to-work transportation pursuant to the "field work" exception of 31 U.S.C. § 1344(a) is permissible when the employee's work includes a large proportion of time "on the road" away from an office or other headquarters, travelling from place to place; e.g., investigators, collectors, etc. See B-212512, March 16, 1984.

d/The transportation of employees in travel status is governed by the Federal Travel Regulations and is not restricted by 31 U.S.C. § 1344. See B-210555.3, February 7, 1984; B-210555.5, December 8, 1983.

e/Persons "acting" in the position of an official entitled to routine home-to-work transportation are not themselves entitled to home-to-work transportation for that reason. The privilege of home-to-work transportation is applicable only to persons officially occupying the positions excepted in 31 U.S.C. § 1344(b).

f/The fact that government home-to-work transportation may result in increased efficiency or convenience is not sufficient to overcome the plain statutory prohibition of 31 U.S.C. § 1344. In 62 Comptroller General 440, 447 we held that, "unless certain narrow exceptions apply, agencies may not properly exercise administrative discretion to provide home-to-work transportation for their officers and employees." See also B-210555.3, February 7, 1984.

(210555)

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